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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,353	11/03/2003	Karen M. Daidone	G08.064	5240
7590 10/10/2007 Kurt M. Maschoff BUCKLEY, MASCHOFF, TALWALKAR & ALLISON LLC Five Elm Street New Canaan, CT 06840			EXAMINER LIU, ALAN Y	
			ART UNIT 4127	PAPER NUMBER
			MAIL DATE 10/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,353

Applicant(s)

DAIDONE ET AL.

Examiner

Alan Liu

Art Unit

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/3/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 4127

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-10, as originally filed, are currently pending and have been considered below.

Specification

2. The disclosure is objected to because of the following informalities: On page 3, line 30, "reconciliation system" should have reference character 50, not 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedman et al. (2002/0082991).

As per claim 1, Friedman et al. teaches a method of identifying billing discrepancies, comprising:

receiving billing data from a billing entity, said billing data including an assessed fee and call details associated with each of a plurality of calls made by a customer (page 2, paragraph 0032; page 3, paragraph 0036);

identifying, based at least in part on said call details received from said billing data, rate information associated with said customer (page 3, paragraph 0044);

generating an expected fee for each of said plurality of calls (page 3, paragraph 0044);

comparing, for each of said plurality of calls, said expected fee with said assessed fee to identify discrepancies (page 3, paragraph 0044).

As per claim 2, Friedman et al. teaches analyzing each discrepancy to determine if each discrepancy is a billing error (page 3, paragraph 0044).

As per claim 8, Friedman et al. teaches generating a set of discrepancies identified as billing errors (page 7, paragraph 0084).

As per claim 9, Friedman et al. teaches communicating said set of discrepancies identified as billing errors to said billing entity (page 7, paragraph 0084).

As per claim 10, Friedman et al. teaches a system for identifying billing discrepancies, comprising:

a memory (page 2, paragraph 0030, via storage devices);

a processor in communication with said memory and coupled to receive billing data from a billing entity, the billing data including an assessed fee and call details associated with each of a plurality of calls made by a customer, the processor operative to identify, based at least in part on said call details received from said billing data, rate

Art Unit: 4127

information associated with said customer, generate an expected fee for each of said plurality of calls, and compare, for each of said plurality of calls, said expected fee with said assessed fee to identify discrepancies (page 2, paragraph 0029).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. (2002/0082991) in view of Zai (6,975,208).

As per claim 3, Friedman et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose analyzing the difference between said expected fee and said assessed fee to identify a pattern associated with a known surcharge.

Art Unit: 4127

Zai discloses analyzing the difference between said expected fee and said assessed fee to identify a pattern associated with a known surcharge (col. 1, lines 21-31).

From this teaching of Zai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include analyzing the difference between expected and assessed fees to identify a pattern associated with a known surcharge taught by Zai because to find an error with an incorrectly applied fixed fee, it would be a commonly known solution to look at differences between expected and actual amounts to see if there was a consistent difference.

As per claim 4, Friedman et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose analyzing discrepancies associated with said billing data to identify discrepancies associated with fixed charges.

Zai discloses analyzing discrepancies associated with said billing data to identify discrepancies associated with fixed charges (col. 1, lines 21-31).

From this teaching of Zai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include analyzing to identify discrepancies associated with fixed charges taught by Zai because fixed charges are one of two types of charges and might be incorrectly applied on a bill.

Art Unit: 4127

As per claim 5, Friedman et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose analyzing discrepancies associated with said billing data to identify discrepancies associated with time-based charges.

Zai discloses analyzing discrepancies associated with said billing data to identify discrepancies associated with time-based charges (col. 1, lines 21-31)

From this teaching of Zai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include analyzing to identify discrepancies associated with time-based charges taught by Zai because time-based, or variable, charges are the other type of charge and might be incorrectly applied on a bill.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. (2002/0082991) in view of Michaels (6,240,167).

As per claim 6, Friedman et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose said billing data further includes rate information identified by said billing entity for each of said plurality of calls.

Michaels discloses said billing data further includes rate information identified by said billing entity for each of said plurality of calls (col. 14, lines 25-29 and 46-52).

From this teaching of Michaels, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include that the billing data includes rate information for each of the plurality of calls taught by Michaels because rate information is necessary to calculate the total amount to charge a customer.

As per claim 7, Friedman et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose said identifying includes generating a set of customer data including said call details, said rate information associated with said customer, and said expected fee.

Michaels discloses said identifying includes generating a set of customer data including said call details, said rate information associated with said customer, and said expected fee (col. 14, lines 46-52).

From this teaching of Michaels, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include generating a set of customer data including the call details, the rate information associated with the customer, and the expected fee taught by Michaels because generating all of this information facilitates the error-checking process by providing details on how everything is calculated.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (2004/0081302) discloses a method for divisional billing.

Majewski et al. (2002/0129039) discloses an error usage investigation and disposal system.

Art Unit: 4127


Pintsov (2003/0036918) discloses a system and method for trusted self-billing and payment for utilities including audit, verification, reconciliation and dispute resolution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Liu whose telephone number is 571-270-5113. The examiner can normally be reached on Monday through Thursday, 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL


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SUPERVISORY PATENT EXAMINER
10/103/07